PTO/SB/08a (05-07)

Approved for use through 09/30/2007. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

	Application Number		10765625
	Filing Date		2004-01-26
INFORMATION DISCLOSURE	First Named Inventor	Micha	el E. Benser
STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Art Unit		3766
(Not for Submission under 37 of it 1.33)	Examiner Name	Euger	ne Tong Wu
	Attorney Docket Numb	er	A04P1009

U.S.PATENTS Remove								
Examiner Initial*	Cite No	Patent Number	Kind Code <sup>1</sup>	Issue Date Name of Patentee of Applicant		Releva		Lines where les or Relevant
/EW/	1	6266564	B1	2001-07-24	Hill et al.			
/EW/	2	6251126	B1	2001-06-26	Ottenhoff et al.			
/EW/	3	6357438	B1	2002-03-19	Hansen			
/EW/	4	6881192	B1	2005-04-19	Park			
If you wis	h to a	dd additional U.S. Paten	t citatio	n information pl	ease click the Add button.		Add	
			U.S.P	ATENT APPLI	CATION PUBLICATIONS		Remove	
Examiner Initial*	Cite No	Publication Number	Kind Code <sup>1</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Releva		Lines where ges or Relevant
/EW/	1	20020193697	A1	2002-12-19	Cho et al.			
/EW/	2	20040138719	A1	2004-07-15	Cho et al.			

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

( Not for submission under 37 CFR 1.99)

Application Number		10765625			
Filing Date		2004-01-26			
First Named Inventor Mich		ael E. Benser			
Art Unit		3766			
Examiner Name Euge		ne Tong Wu			
Attorney Docket Number		A04P1009			

	•									
3	20050085865	A1	2005-04	-21	Tehrani					
h to ac	dd additional U.S. Publ	ished Ap	plication	citation	n information p	olease click the Add	button	Add		
			FOREIG	SN PAT	ENT DOCUM	IENTS		Remove		
Cite No	Foreign Document Number <sup>3</sup>		•	Kind Code <sup>4</sup>	Publication Date	Name of Patentee Applicant of cited Document	or v	vhere Rele Passages o	evant or Relevant	Т5
1	0505195	EP		A2	1992-09-23	Kallock et al.				
2	0505195	EP		А3	1992-09-23	Kallock et al.				
3	0505195	EP		B1	1997-11-05	Kallock et al.		-		
4	1462146	EP		A1	2004-09-29	Park et al.				
5	02087433	wo		A1	2002-11-07	Cho et al.				
h to ac	dd additional Foreign F	atent Do	cument	citation	information p	lease click the Add	button	Add		
		NON	N-PATE	NT LITE	RATURE DO	CUMENTS		Remove		
Cite No	(book, magazine, jou	mal, seri	al, symp	osium,	catalog, etc),	the article (when a date, pages(s), volu	ppropria ıme-issi	ate), title of ue number	the item (s),	Ţ5
1									F	
	Cite No  1  2  3  4  5  Cite No	Cite No Positional U.S. Publication of the additional U.S. Publication of the additional Foreign Forei	Cite Foreign Document Number Document Number EP  2 0505195 EP  3 0505195 EP  4 1462146 EP  5 02087433 WO  h to add additional Foreign Patent Document No.	To add additional U.S. Published Application FOREIG  Cite Foreign Document Number³ Code² j  1 0505195 EP  2 0505195 EP  3 0505195 EP  4 1462146 EP  5 02087433 WO  In to add additional Foreign Patent Document NON-PATER  Cite No Include name of the author (in CAPITA (book, magazine, journal, serial, symp publisher, city and/or country where publisher.	Total additional U.S. Published Application citation FOREIGN PAT  Cite No Number Code2 i Code4  1 0505195 EP A2  2 0505195 EP B1  4 1462146 EP B1  5 02087433 WO A1  In to add additional Foreign Patent Document citation NON-PATENT LITE  Cite No Include name of the author (in CAPITAL LET (book, magazine, journal, serial, symposium, publisher, city and/or country where published.	FOREIGN PATENT DOCUM  Cite No Number Number Country Code Number Publication Date  1 0505195 EP A2 1992-09-23  3 0505195 EP B1 1997-11-05  4 1462146 EP A1 2004-09-29  5 02087433 WO A1 2002-11-07  In to add additional Foreign Patent Document citation information publisher, city and/or country where published.  Cite No Include name of the author (in CAPITAL LETTERS), title of (book, magazine, journal, serial, symposium, catalog, etc), publisher, city and/or country where published.	Total additional U.S. Published Application citation information please click the Additional U.S. Published Application citation information please click the Additional Foreign Document Code <sup>2</sup> i Code <sup>4</sup> Publication Date Code Applicant of cited Document  Code <sup>2</sup> i Sind Publication Date Publication Date Code Applicant of cited Document  Description of Code Date Code Application Code Date Code Applicant of Cited Document  EP A2 1992-09-23 Kallock et al.  South State Code Date Code Document Cited Document Code Document  All 1997-11-05 Kallock et al.  Foreign Document Code Date Code Document Cited Document Code Doc	To add additional U.S. Published Application citation information please click the Add button  FOREIGN PATENT DOCUMENTS  Cite No Poreign Document Number <sup>3</sup> Country Code <sup>2</sup> i Kind Code <sup>4</sup> Document  Publication Date  Name of Patentee or Applicant of cited Document  Foreign Document  Country Code <sup>2</sup> i 1992-09-23  Kallock et al.  2 0505195  EP A3 1992-09-23  Kallock et al.  3 0505195  EP B1 1997-11-05  Kallock et al.  4 1462146  EP A1 2004-09-29  Park et al.  5 02087433  WO A1 2002-11-07  Cho et al.  In to add additional Foreign Patent Document citation information please click the Add button  NON-PATENT LITERATURE DOCUMENTS  Cite No Include name of the author (in CAPITAL LETTERS), title of the article (when appropria (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issi publisher, city and/or country where published.	Total add additional U.S. Published Application citation information please click the Add button  FOREIGN PATENT DOCUMENTS  Remove  Foreign Document Number <sup>3</sup> Code <sup>2</sup> i	Total add additional U.S. Published Application citation information please click the Add button.  FOREIGN PATENT DOCUMENTS  Remove  Cite Number3  Code2 i Code4  Date  Name of Patentee or Applicant of cited Document  Number3  Remove  Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear  1 0505195  EP A2 1992-09-23 Kallock et al.  2 0505195  EP B1 1997-11-05 Kallock et al.  3 0505195  EP B1 1997-11-05 Kallock et al.  4 1462146  EP A1 2004-09-29 Park et al.  5 02087433  WO A1 2002-11-07 Cho et al.  NON-PATENT LITERATURE DOCUMENTS  Remove  Cite No Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), ublisher, city and/or country where published.

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

( Not for submission under 37 CFR 1.99)

Application Number		10765625			
Filing Date		2004-01-26			
First Named Inventor Mich		nael E. Benser			
Art Unit		3766			
Examiner Name Eug		ene Tong Wu			
Attorney Docket Number		A04P1009			

/EW/	2	NonF	inal Office Action, mailed 9/20/2007: F	Related Application Serial N	No. 10/765,624 - Atty Do	ocket A04P1008.	
If you wish	to ac	dd add	ditional non-patent literature docum	ent citation information p	please click the Add b	outton Add	
			EXA	MINER SIGNATURE			
Examiner	Signa	ture	/Eugene Wu/		Date Considered	11/28/2007	
			reference considered, whether or r rmance and not considered. Include				
Standard ST.  4 Kind of doc	.3). <sup>3</sup> F ument	or Japa by the	TO Patent Documents at <u>www.USPTO.GOV</u> anese patent documents, the indication of the appropriate symbols as indicated on the docon is attached.	ne year of the reign of the Emp	peror must precede the ser	rial number of the patent doc	cument.

PTO/SB/08a (05-07)

Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

	Application Number		10765625
	Filing Date		2004-01-26
INFORMATION DISCLOSURE	First Named Inventor	Micha	nel E. Benser
STATEMENT BY APPLICANT ( Not for submission under 37 CFR 1.99)	Art Unit		3766
( Not for submission under 37 CFR 1.55)	Examiner Name	Euger	ne Tong Wu
	Attorney Docket Numb	er	A04P1009

	U.S.PATENTS										
Examiner Initial*	Cite No	Patent Number	Kind Code <sup>1</sup>	Issue D	ate	Name of Pate of cited Docu	entee or Applicant ment	Releva	es,Columns,Lines where evant Passages or Relevant ures Appear		
·	1										
If you wisl	h to ac	d additional U.S. Pater	t citatio	n inform	ation pl	ease click the	Add button.		Add		
			U.S.P	ATENT	APPLIC	CATION PUBL	LICATIONS		Remove		
Examiner Initial*	Cite No	Publication Number	Kind Code <sup>1</sup>	Publica Date	ition	Name of Pate of cited Docu	entee or Applicant ment	Releva		Lines where ges or Relev	
/EW/	1	20030153954	A1	2003-08	3-14	Park et al.					
/EW/	2	20050119586	A1	2005-06	s-02	Coyle et al.					
If you wis	h to ac	d additional U.S. Publi	shed Ap	plication	citation	n information p	please click the Add	button	Add		
				FOREIG	SN PAT	ENT DOCUM	ENTS		Remove		
Examiner Initial*	Cite No	Foreign Document Number <sup>3</sup>	Country Code <sup>2</sup>		Kind Code <sup>4</sup>	Publication Date	Name of Patentee Applicant of cited Document	or v F	vhere Rel	or Relevant	Т5
	1	2003250915	JP		А	2003-09-09					
If you wis	h to ac	dd additional Foreign Pa	atent Do	cument	citation	information pl	lease click the Add	button	Add		
	******		NON	I-PATE	NT LITE	RATURE DO	CUMENTS		Remove		

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

( Not for submission under 37 CFR 1.99)

Application Number		10765625			
Filing Date		2004-01-26			
First Named Inventor Micha		ael E. Benser			
Art Unit		3766			
Examiner Name Euge		ne Tong Wu			
Attorney Docket Number		A04P1009			

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.					
/EW/	GARRIDO-GARCIA, H. et al., "Treatment of chronic ventilatory failure using a diaphragmatic pacemaker," Spinal Cord. 1998;36:310-314.						
/EW/	2	NonFinal Office Action, mailed 09/27/2007: Related	Application Serial No. 10/968730 - Atty. D	ocket A04P1008US01.			
If you wis	h to a	dd additional non-patent literature document cita	tion information please click the Add b	outton Add			
		EXAMINER	SIGNATURE				
Examiner	Signa	ture /Eugene Wu/	Date Considered	11/28/2007			
*EXAMIN citation if	ER: In	itial if reference considered, whether or not citat conformance and not considered. Include copy	ion is in conformance with MPEP 609 of this form with next communication	Draw line through a to applicant.			
Standard ST 4 Kind of doo	r.3). <sup>3</sup> f cument	of USPTO Patent Documents at <a href="https://www.USPTO.GOV">www.USPTO.GOV</a> or MPEFFOR Japanese patent documents, the indication of the year of by the appropriate symbols as indicated on the document unanslation is attached.	f the reign of the Emperor must precede the ser	ial number of the patent doc	ument.		

10765625

C	ha	40	4	of	2
Э.	нч	σı	•	vı	J

Form PTO-1449 (modified)	Attorney Docket No. A04P1009	Serial No. Unassigned	
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT(S)' INFORMATION DISCLOSURE STATEMENT	Applicant(s): Michael Benser, Ruth Lyons and Eric Falkenberg		
(Use several sheets if necessary)	Filing Date: Herewith	Group Art Unit: Unassigned	

## **U.S. PATENT DOCUMENTS**

Examiner Initials	Document No.	Date	Name	Class / Subclass	Filing Date
EW	4,712,555	12/15/1987	Thornander et al.	128/419 PG	03/27/1985
	4,788,980	12/06/1988	Mann et al.	128/419 PG	07/18/1986
	4,830,008	5/16/1989	Meer	128/421	02/16/1988
	4,940,052	07/10/1990	Mann et al.	128/419 PG	01/25/1989
·	4,944,298	07/31/1990	Sholder	128/419 PG	05/23/1989
	5,466,254	11/14/1995	Helland	607/123	09/22/1993
	6,266,564 B1	07/24/2001	Hill et al.	607/6	11/03/1999
	6,314,323 B1	11/06/2001	Ekwall	607/23	01/07/1999
	6,415,183 B1	07/02/2002	Scheiner et al.	607/42	12/09/1999
$\downarrow$	US 2002/ 0193697 A1	12/19/2002	Cho et al.	600/529	04/26/2002
EW	US 2003/ 0153953 A1	08/14/2003	Park et al.	607/17	02/14/2002

Examiner

/Bugene Wu/

**Date Considered** 

03/07/2007

10765625

#### Sheet 2 of 3

Form PTO-1449 (modified)	Attorney Docket No. A04P1009	Serial No. Unassigned	
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT(S)' INFORMATION DISCLOSURE STATEMENT	Ruth Ly	l Benser, ons and kenberg	
(Use several sheets if necessary)	Filing Date: Herewith	Group Art Unit: Unassigned	

### FOREIGN PATENT DOCUMENTS

Examiner Initials	Document No.	Date	Country	Class / Subclass	Translation Yes/No
	Int'l No.:	Int'l Publ. Date:		Int'l Classification:	
EW.	WO 01/ 41868 A1	14.06.2001	WIPO	A61N 1/36	
EW	WO 02/ 087433 A1 (Corrected Version)	07.11.2002	WIPO	A61B 5/0205	
			•		

Examiner

/Eugene Wu/

**Date Considered** 

03/07/2007

10 765625 Sheet 3 of 3

Form PTO-1449 (modified)	Attorney Docket No. A04P1009	Serial No. Unassigned
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT(S)' INFORMATION DISCLOSURE STATEMENT	· · · · · · · · · · · · · · · · · · ·	l Benser, yons and lkenberg
(Use several sheets if necessary)	Filing Date: Herewith	Group Art Unit: Unassigned

#### **PUBLICATIONS / OTHER ART**

Examiner Initials	Citation
EW	de Chazal, Philip, Member IEEE, et al., "Automated Processing of the Single-Lead Electrocardiogram for the Detection of Obstructive Sleep Apnoea," IEEE Trans.  Biomedical Eng.; Vol. 50, No. 6 (2003), pp 686-696.
EW	Sériès, F. et al., "Functional Genomics of Sleep and Circadian Rhythm Selected Contribution: Influence of Genioglossus Tonic Activity on Upper Airway Dynamics Assessed by Phrenic Nerve Stimulation," J Appl Physiol; Vol. 92 (2002), pp 418-423.
EW	Sin, Don D., MD, MPH et al., "Effects of Continuous Positive Airway Pressure on Cardiovascular Outcomes in Heart Failure Patients with and without Cheyne-Stokes Respiration," Circulation: Vol. 102 (2000), pp 61-66.
~~~~	

Examiner

/Eugene Wu/

**Date Considered** 

03/07/2007

### Sheet 1 of 1

Form PTO-1449 (modified)	Attorney Docket No. A04P1009	Serial No. 10/765,625
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT(S)' INFORMATION DISCLOSURE STATEMENT	Applicant(s): Michae Ruth Lyons and Eric I	l Benser, Falkenberg
(Use several sheets if necessary)	Filing Date: 01/26/2004	Group Art Unit: 3761

### **PUBLICATIONS / OTHER ART**

Examiner Initials	Citation
BM	Frédéric Sériès, et al., "Assessment of Upper Airway stabilizing Forces with the Use of Phrenic Nerve Stimulation in Conscious Humans," J Appl Physiol, 2003; Vol. 94(2), pp. 2289-2295
EW	T. WiBkirchen, et al., "Zentrales Schlafapnoe Syndrom und Periodische Atmung," Therap Umschau, 2000; Vol. 57(7), pp. 458-462
	·
· · ·	

Examiner

/Bugene Wu/

**Date Considered** 

03/07/2007